

1 Joseph R. Saveri (State Bar No. 130064)
2 Joshua P. Davis (State Bar No. 193254)
3 Matthew S. Weiler (State Bar No. 236052)
JOSEPH SAVERI LAW FIRM, INC.
505 Montgomery Street, Suite 625
San Francisco, California 94111
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
jsaveri@saverilawfirm.com
jdavis@saverilawfirm.com
mweiler@saverilawfirm.com

7 Benjamin D. Brown (State Bar No. 202545)
Richard A. Koffman (*pro hac vice*)
8 COHEN MILSTEIN SELLERS & TOLL, PLLC
1100 New York Ave., N.W., Suite 500, East Tower
9 Washington, DC 20005
Telephone: (202) 408-4600
10 Facsimile: (202) 408 4699
bbrown@cohenmilstein.com
rkoffman@cohenmilstein.com

12 Eric L. Cramer (*pro hac vice*)
Michael Dell'Angelo (*pro hac vice*)
13 BERGER & MONTAGUE, P.C.
1622 Locust Street
14 Philadelphia, PA 19103
Telephone: (215) 875-3000
15 Facsimile: (215) 875-4604
ecramer@bm.net
mdellangelo@bm.net

17 *Attorneys for Individual and Representative Plaintiffs*
Cung Le, Nathan Quarry, Jon Fitch, Luis Javier
18 *Vazquez, Dennis Lloyd Hallman, Brandon Vera, Pablo*
Garza, Gabe Ruediger, and Mac Danzig

19 [Additional Counsel Listed on Signature Page]

20
21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**

24
25 **Cung Le, Nathan Quarry, and Jon Fitch, on**
26 **behalf of themselves and all others similarly**
27 **situated,**

28 **Plaintiffs,**

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case Nos. 5:14-cv-05484-EJD, 5:14-cv-05591-
EJD, 5:14-cv-05621-EJD

Date: June 11, 2015
Time: 9:00 a.m.
Place: Courtroom 4
Judge: Hon. Edward J. Davila

PLAINTIFFS' REPLY MEMORANDUM OF
LAW IN SUPPORT OF MOTION FOR
CONSOLIDATION AND ENTRY OF CMO

Case No. 5:14-cv-05484-EJD
Case No. 5:14-cv-05591-EJD
Case No. 5:14-cv-05621-EJD

**Luis Javier Vazquez and Dennis Lloyd Hallman,
on behalf of themselves and all others similarly
situated,**

Plaintiffs,

V.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

**Brandon Vera and Pablo Garza, on behalf of
themselves and all others similarly situated,**

Plaintiffs,

V.

**Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,**

Defendant.

Defendant Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC (“UFC” or “Defendant”) does not challenge or rebut any of the grounds Plaintiffs set out in support of their motion for consolidation and entry of a case management order. As the [Proposed] Case Management Order (“CMO”) submitted by Plaintiffs is unchallenged and undisputed, the Court should enter the CMO, and thereby streamline these proceedings.

The UFC’s opposition is not really an opposition. While conceding the merits of Plaintiffs’ motion, Defendant adverts to its *own* pending motion to consolidate the matters for trial, and in doing so, agrees that these related matters¹ raise common issues of law and fact so as to require consolidation for all purposes, not simply for pretrial matters. *See* Docket No. 61 at 1 (“these essentially identical cases that seek to represent identical classes should be consolidated for all purposes”). The UFC *agrees* with Plaintiffs that these matters should be consolidated at least for pretrial purposes. On that basis, Plaintiffs’

¹ The Court ordered the *Vasquez* and *Vera* matters related to the *Le* matter on January 7, 2015. See Dkt. Nos. 18, 19.

1 motion should be granted.

2 The UFC, in its motion, asks the Court to enter an order consolidating these matters for all
 3 purposes, including trial. As will be more fully explained in Plaintiffs' Opposition to the UFC's motion
 4 (which will be filed on March 10), although Plaintiffs agree that consolidation for pretrial purposes is
 5 proper under Fed. R. Civ. P. 42 given the presence of common issues of fact and law, consolidation for all
 6 purposes—including consolidation of judgments or rights to appeal—should wait until (at minimum) the
 7 pleadings and the transfer motions are resolved. *See Gelboim v. Bank of America*, 574 U.S. __ (slip
 8 op. at 7-9).

9 In any event, resolution of this dispute has no bearing on the proposed CMO, which is silent on
 10 the issue of consolidation for trial. If the Court were to agree with the UFC at this juncture, or as is more
 11 appropriate, after pleadings are resolved and discovery has been taken, the parties can address the issue
 12 and the Court can resolve the issue regarding consolidation for trial at the time.

13 The UFC also asks the Court to delay consideration of entry of the CMO until the Case
 14 Management Conference set for May 7, 2015, proposing that the parties address it in their Case
 15 Management Statement. The UFC fails to provide any rationale for doing so. The parties have already
 16 met and conferred on the terms of the order, and the issue of whether the CMO should be entered is fully
 17 briefed. It is consistent with principles of judicial economy and sound case management to enter the
 18 CMO now. Among other things, as the UFC itself points out, it will streamline the proceedings and
 19 permit the parties to avoid the inefficiencies associated with filing in four separate proceedings.² *See*
 20 Docket No. 61 at 2 (“[The UFC] and the Plaintiffs agree that consolidating these virtually identical
 21 actions for pre-trial purposes would have many efficiencies, including the streamlining of court filings and
 22 aiding in the efficient management of the cases.”).

23 Indeed, it is somewhat troubling that the principal purpose for the UFC's opposition apparently is
 24 to delay and multiply these proceedings. Rather than stipulate to the CMO in January 2015, as Plaintiffs
 25 had asked, the UFC refused and forced Plaintiffs to file a motion to enter the CMO, even though the
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 28² Since Plaintiffs filed their motion to consolidate, the Court deemed *Ruediger, et al. v. Zuffa, LLC*, d/b/a
 Ultimate Fighting Championship and the UFC, No. 5:15-cv-00521-NC related to this matter.

1 motion was undisputed as to all issues, except for whether it covered trial. Subsequently, the UFC filed its
2 own cross motion noticed for hearing in June 2015. The UFC has provided no legitimate explanation for
3 not stipulating to something that it, in fact, agreed to, as indicated by its subsequent motion.

4 As there is no dispute concerning its terms, the CMO consolidating these matters should be
5 entered, and the disputed matters relating to consolidation for trial should be taken up at a later date.
6

7 Dated: March 3, 2015

JOSEPH SAVERI LAW FIRM, INC.

8 By: /s/ Joseph R. Saveri
9 Joseph R. Saveri

10 Joseph R. Saveri (State Bar No. 130064)
11 Joshua P. Davis (State Bar No. 193254)
12 Andrew M. Purdy (State Bar No. 261912)
13 Matthew S. Weiler (State Bar No. 236052)
14 Kevin E. Rayhill (State Bar No. 267496)
15 JOSEPH SAVERI LAW FIRM, INC.
16 505 Montgomery Street, Suite 625
17 San Francisco, California 94111
18 Telephone: (415) 500-6800
19 Facsimile: (415) 395-9940
20 jsaveri@saverilawfirm.com
21 jdavis@saverilawfirm.com
22 apurdy@saverilawfirm.com
23 mweiler@saverilawfirm.com
24 krayhill@saverilawfirm.com

25 Robert C. Maysey (State Bar No. 205769)
26 Jerome K. Elwell (*pro hac vice*)
27 WARNER ANGLE HALLAM JACKSON &
28 FORMANEK PLC
29 2555 E. Camelback Road, Suite 800
30 Phoenix, AZ 85016
31 Telephone: (602) 264-7101
32 Facsimile: (602) 234-0419
33 rmaysey@warnerangle.com
34 jelwell@warnerangle.com

35 Benjamin D. Brown (State Bar No. 202545)
36 Richard A. Koffman (*pro hac vice*)
37 Hiba Hafiz (*pro hac vice pending*)
38 COHEN MILSTEIN SELLERS & TOLL, PLLC
39 1100 New York Ave., N.W., Suite 500, East Tower
40 Washington, DC 20005
41 Telephone: (202) 408-4600
42 Facsimile: (202) 408 4699

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1 bbrown@cohenmilstein.com
2 rkoffman@cohenmilstein.com
3 hhafiz@cohenmilstein.com

4 Eric L. Cramer (*pro hac vice*)
5 Michael Dell'Angelo (*pro hac vice*)
6 Patrick Madden (*pro hac vice*)
7 BERGER & MONTAGUE, P.C.
8 1622 Locust Street
9 Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
ecramer@bm.net
mdellangelo@bm.net
pmadden@bm.net

10 Eugene A. Spector (*pro hac vice pending*)
11 Jeffrey J. Corrigan (*pro hac vice pending*)
12 Jay S. Cohen (*pro hac vice pending*)
13 William G. Caldes (*pro hac vice pending*)
14 SPECTOR ROSEMAN KODROFF & WILLIS, P.C.
15 1818 Market Street – Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611
espector@srgw-law.com
jcorrigan@srgw-law.com
jcohen@srgw-law.com
wcaldes@srgw-law.com

16 Frederick S. Schwartz (State Bar No. 145351)
17 LAW OFFICE OF FREDERICK S. SCHWARTZ
18 15303 Ventura Boulevard, #1040
Sherman Oaks, CA 91403
Telephone: (818) 986-2407
Facsimile: (818) 995-4124
fred@fredschartzlaw.com

19 *Attorneys for Individual and Representative Plaintiffs*
20 *Cung Le, Nathan Quarry, Jon Fitch, Luis Javier*
21 *Vazquez, Dennis Lloyd Hallman, Brandon Vera, Pablo*
22 *Garza, Gabe Ruediger, and Mac Danzig*

23 Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf the
24

1 filing is submitted, concur in the filing's content and have authorized the filing.

2 Dated: March 3, 2015

By: /s/ Joseph R. Saveri
3 Joseph R. Saveri

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